



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 1481-00
27 November 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you served on active duty in the Navy from 17 July to 15 December 1997, when you were released from active duty and transferred to the Temporary Disability Retired List (TDRL) because of a healing stress fracture of the left femoral shaft. Your condition was reevaluated on 30 July 1999, and although you had some pain in your leg, hip and back, the stress fracture had healed, your gait was normal, and you had full range of motion in your left hip. On 30 September 1999, the Physical Evaluation Board determined that your disability had improved, and was ratable at 0%. It recommended that you be discharged with entitlement to disability severance pay.

The Board noted that although a service member may be retained on the TDRL for a maximum period of five years, the member may be discharged at any time during that five year period if the rated condition remains disabling, but is no longer ratable at 30% or higher. As your condition improved during your tenure on the TDRL, and was no longer ratable at 30%, your separation prior to the expiration of the five year period was proper. Accordingly, your application has been denied. The names and votes of the members of the

panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director